

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

Joseph H. Brown,)	
	Petitioner,)
vs.)	Case No. 05-3097-CV-SW-FJG
Robert McFadden, Warden,)	
United States Medical Center for)	
Federal Prisoners,)	
	Respondent.)

ORDER

Pending before the Court is a petition for writ of habeas corpus (Doc. #1), filed March 7, 2005, response to the order to show cause (Doc. #7), filed March 24, 2005, petitioner's traverse (Doc. #10), filed June 10, 2005, and petitioner's report to the Court (Doc. #15), filed July 14, 2006.

On May 30, 2006, Chief United States Magistrate Judge James C. England entered a report and recommendation (Doc. #12) which recommended that the petition for habeas corpus be dismissed without prejudice because petitioner has received the relief he requested. Petitioner's report to the Court (Doc. #15) , filed July 14, 2006, confirms that petitioner is receiving the medical treatment he requested in his original petition and that no further legal proceedings are necessary at this time. Chief Magistrate England further recommends that petitioner be denied leave to proceed in forma pauperis. No objections to report and recommendation were filed.

The Court, after independent review, adopts the Chief Magistrate's findings and conclusions. Therefore, the Court finds that the petition for writ of habeas corpus (Doc. #1), filed March 7, 2005, must be dismissed without prejudice and petitioner's motion for leave to proceed in forma pauperis be denied. Accordingly, it is

ORDERED that the Chief Magistrate's findings and conclusions are hereby adopted and incorporated herein by reference. It is further

ORDERED that the petition for writ of habeas corpus is dismissed without prejudice

and petitioner's motion for leave to file in forma pauperis is denied.

/s/Fernando J. Gaitan, Jr.
Judge Fernando J. Gaitan, Jr.
United States District Judge

Dated: July 31, 2006
Kansas City, Missouri